

Application Serial No. 10/622,745
Rcply to Office Action dated June 2, 2004

REMARKS/ARGUMENTS

Initially, the Applicant would like to thank the Examiner for his courtesy during the phone interview of August 25, 2004 and for indicating that the discussed amendments to claims 1 and 13 would constitute allowable subject matter. More specifically, claim 1 has been amended to recite --a plurality of spaced apart plates-- fixed at the end portion of the bar. Clearly, the bar in Croft does not include a plurality of plates. In addition, claim 13 has been amended to recite --a bar of the brace assembly pressing against the protective panel for substantially an entire longitudinal length of the bar--. Since Croft does not include a panel and only a small pad is positioned against the glass window, the arrangement in Croft is quite different from that claimed in the present application. Therefore, in view of these amendments, it is submitted that these claims have been placed in clear condition for allowance and reconsideration of the application is respectfully requested.

On page 2 of the Office Action, the Examiner has objected to claims 2 and 3 as being inconsistent with co-pending claim 15 and the specification. These claims have been amended such that they are consistent with claim 15 and with the specification by changing "bar" to --threaded rod--. Further, claim 8 has been amended to provide proper antecedent basis by changing "second end" to --second end portion--. No new matter has been added by any of these changes.

On page 4 of the Office Action, the Examiner has rejected claim 4 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 2,794,217 to Croft in view of U.S. Patent No. 3,027,140 to Holzbach. Initially, it should be noted that claim 4 has been rewritten in independent form and further amended to recite --the brace assembly is adapted to be positioned against a panel for substantially the entire longitudinal length of the bar--. Holzbach discloses a jack post which may be formed from a wood stud. The Applicant questions the Examiner as to why one would be motivated to use the wood stud from Holzbach in the hurricane brace of Croft. That is, the Examiner has only picked one feature from Holzbach for the combination, instead of considering what the

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overall teachings would suggest. It is submitted that, due to the overall differences in structure and function of these two references, one of ordinary skill in the art would not make the suggested combination. Regardless, since claim 4 has been rewritten in independent form and further amended to specify that substantially the entire length of the wood bar is to be positioned against a panel covering the window, the arrangement in Croft or the combination presented is clearly different from that claimed.

Although the dependent claims in this case should be allowed based on allowance of the independent claims, the Applicant submits that the dependent claims further distinguish the invention from the applied prior art. For instance, regarding claim 8 the Examiner states that Croft discloses an extension at the second end of the bar. The Examiner refers to a reference numeral 20 in Figure 5 as "an extension." However, the specification in Croft clearly refers to reference numeral 20 as a socket for joining two bars, with the socket being located intermediate the overall brace. Claim 8 has been amended to further define the extension by reciting --the extension redefines the second end of the bar so as to be positionable against a respective one of the opposing frame walls--. The socket 20 of Croft does not act as a second end of the bar and, instead of being positionable against a frame wall, is located at a position spaced from any analogous frame walls. Therefore, the extension of claim 8 is clearly distinguished from the socket of Croft. In rejecting claim 10, the Examiner states that Croft discloses a gripping pad 37 located at a second end of the bar 18. However, as shown in Figure 2, plate 37 is shown at an end of screw 32, rather than at an end of the bar 18. In addition, it must be realized that the second end portion of the bar as claimed must be adapted to be positioned against one of the opposing frame walls about the windowed building component. To this end, plate 37 cannot equate to the claimed structure but rather is located intermediate the end portions of the overall bar in Croft. In any case, with the allowance of the independent claims in this case, all the dependent claims should be readily allowed.

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Reply to Office Action dated June 2, 2004

In view of the above remarks and amendments to the claims, reconsideration of the application is respectfully requested. If the Examiner should have any additional questions or concerns regarding the allowance of this application, he is cordially invited to contact the undersigned at the number provided below to further expedite the prosecution.

Respectfully submitted,

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